



PTO/SB/21 (04-04)

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	Application Number	10/664,587-Conf. #3678
	Filing Date	September 16, 2003
	First Named Inventor	Sebastian BÖHM
	Art Unit	3651
	Examiner Name	Joseph A. Dillon, Jr.
Total Number of Pages in This Submission	Attorney Docket Number	TGZ-021CP2

ENCLOSURES (Check all that apply)		
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Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	LAHIVE & COCKFIELD, LLP Anthony A. Laurentano - 38,220
Signature	
Date	October 13, 2004

I hereby certify that this correspondence is being deposited with the U.S. Postal Service as Express Mail, Airbill No. EV 419931993 US, in an envelope addressed to: MS Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below.

Dated: October 13, 2004

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10/15/04

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Dated: October 13, 2004

Signature:   
(Anthony A. Laurentano)

Docket No.: TGZ-021CP2  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application of:  
Sebastian Böhm *et al.*

Application No.: 10/664,587

Confirmation No. 3678

Filed: September 16, 2003

Art Unit: 3651

For: METHOD AND APPARATUS FOR SORTING  
PARTICLES

Examiner: Joseph A. Dillon, Jr.

**RESPONSE TO RESTRICTION REQUIREMENT**

MS Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

This is in response to the restriction requirement set forth in the Office Action mailed September 14, 2004 (Paper No. 20040909).

The Examiner has required restriction between the following inventions in the above-identified application:

Group I – Claims 1-9 and 15, drawn to a method and apparatus for sorting, classified in class 209, subclass 576.

Group II – Claims 10, 11, 13 and 14, drawn to a fluid mixer, classified in class 137, subclass 13.

Group III – Claims 12 and 23, drawn to a method of testing a compound, classified in class 435, subclass 240.1.

Group IV – Claims 16-22, drawn to compound classification, classified in class 436, subclass 518.

Applicants are required to elect one of the above groups for prosecution on the merits. In response to the restriction requirement, Applicants hereby provisionally elect, with traverse, the invention of Group IV, encompassing claims 16-22, for continued examination in this case.

The Commissioner may require restriction if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). In the present case, although the claimed subject matter may be classified in different classes, the inventions are not independent. A single, searchable, unifying aspect, *i.e.*, *cell* sorting, links all of the claims of Groups I-IV.

Furthermore, in view of the data bases and powerful computer search engines available to the Examiner, there would be no serious burden in examining all the claims in a single application.

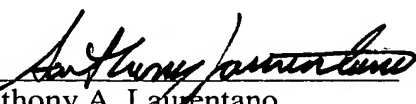
Applicants reserve the right to pursue the non-elected claims, or similar claims, in this or one or more subsequent patent applications.

If a telephone conversation with Applicants' attorney would help expedite the prosecution of the above-identified application, the Examiner is urged to call the undersigned attorney at (617) 227-7400.

Applicants believe no fee is due with this statement. However, if a fee is due, please charge our Deposit Account No. 12-0080, under Order No. TGZ-021CP2 from which the undersigned is authorized to draw.

Dated: October 13, 2004

Respectfully submitted,

By   
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